

To: Forsgren, Lee[Forsgren.Lee@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
From: White, Elizabeth
Sent: Fri 2/23/2018 4:34:31 PM
Subject: FW: REMINDER: 2/28 proposed document production in CBD v. EPA (FOIA litigation relating to WOTUS Rule)

Y'all - this is the monthly WOTUS Rule production to Center for Biological Diversity. I will be going through it later today or Monday and will pass along to any others that are custodians. Please review and let me know if you have any questions.

Beth

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct

Ex. 6 - Personal Privacy cell

-----Original Message-----

From: Dubey, Susmita
Sent: Friday, February 23, 2018 10:57 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Aarons, Kyle <Aarons.Kyle@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: REMINDER: 2/28 proposed document production in CBD v. EPA (FOIA litigation relating to WOTUS Rule)

Just a reminder that we will need approval for the proposed FOIA production described below. Thank you.

Susmita Dubey
Office of General Counsel
202-564-5577

-----Original Message-----

From: Dubey, Susmita
Sent: Friday, February 16, 2018 3:46 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Aarons, Kyle <Aarons.Kyle@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: For your review: Fourth proposed document production in CBD v. EPA (FOIA litigation relating to WOTUS Rule)

Below for your review is a link to the fourth proposed document release under the Freedom of Information Act request relating to the Waters of the United States Rule. The production is scheduled for February 28, pursuant to a status report commitment to Judge Lamberth of the federal district court for the District of Columbia.

Background

On March 22, 2017, EPA received a FOIA request from the Center for Biological Diversity (CBD) requesting certain records relating to the development and implementation of EO 13778, relating to the Waters of the United States Rule. On April 19, EPA received a second request from CBD requesting records relating to EPA's revision of the rule. On June 1, CBD filed a complaint in the federal district court for the District of Columbia alleging that EPA failed to respond to the first request. Subsequently, CBD amended its complaint to add allegations claiming that EPA failed to respond to the April 19 request. On September 29, EPA filed a status report with the court describing the search it was conducting and explaining that the search conducted for both requests identified approximately 90,000 potentially responsive records. EPA further stated that it intended to review 2000 documents per month and would produce a monthly rolling release of responsive, non-privileged documents, with the first release on or about November 30. The first production of documents was delivered to CBD on November 30.

Proposed production

The proposed document release for the February 28 production is available through the Sharepoint link below. I have also attached the FOIA requests at issue. The proposed release includes 260 documents totaling over 1300 1400 pages, and reflects a search conducted for responsive documents created between January and April 2017. **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process Attorney Client

Please send me any comments via email, referencing the DOC ID (stamped on the bottom of each page). I will then be able to go into Relativity and address any concerns. Also, I will be out of the office on work travel from February 26-March 1, and my access to email and other electronic resources will be limited during that time. For that reason, please copy Kevin Miller on any questions regarding the proposed production. Thank you for your time on this.

[https://usepa-my.sharepoint.com/personal/rementer_nicole_epa_gov/_layouts/15/onedrive.aspx?slrid=46284b9e-6034-5000-f532-eb3562790d5e&id=%2fpersonal%2frementer_nicole_epa_gov%2fDocuments%2fFEAT+FOIA+Projects%2fWOTUS+Rule+Review%2fLitigation%2f2017-005166%2c+2017-006341+\(CBD+-+OEX+%26+OWOW\)%2fLitigation+Productions%2fProd+004+Feb+28+18&FolderCTID=0x012000C0207C1DF019FF44A4BE3DDC04954E3Aa](https://usepa-my.sharepoint.com/personal/rementer_nicole_epa_gov/_layouts/15/onedrive.aspx?slrid=46284b9e-6034-5000-f532-eb3562790d5e&id=%2fpersonal%2frementer_nicole_epa_gov%2fDocuments%2fFEAT+FOIA+Projects%2fWOTUS+Rule+Review%2fLitigation%2f2017-005166%2c+2017-006341+(CBD+-+OEX+%26+OWOW)%2fLitigation+Productions%2fProd+004+Feb+28+18&FolderCTID=0x012000C0207C1DF019FF44A4BE3DDC04954E3Aa)

Susmita Dubey

Office of General Counsel

202-564-5577